

JF: Yes.

PP: Do you understand that the Judge, Judge Boklan, has no power whatsoever as to where you are placed in the prison system?

JF: Yes.

PP: I've told you time and time again, have I not, that the prison system and the Court system are separate and distinct entities, and that you will be incarcerated where the prison system places you.

JF: Yes.

PP: At this time, that is unknown. Haven't I told you that?

JF: That's correct.

PP: Now, knowing everything I have told you, is it still your desire to take a plea of guilty in this case?

JF: Yes.

PP: Isn't it a fact that I have told you that I am very willing to try this case in front of a jury regardless of whether it takes one day or whether it takes eight months or a year?

JF: Yes.

PP: And haven't I told you that it is my opinion that this case will take about six months to try.

JF: Yes.

PP: And haven't I also told you that I will charge you no further money whatsoever to try this case?

JF: That is correct.

PP: That the money you have paid me has been to date, \$25,000.00 plus a \$15,000.00 bail assignment which I will not get until after the case is over. Isn't that a fact?

JF: Yes.

PP: And isn't it also a fact that that is my fee whether there is a trial, or whether there is no trial? Isn't that a fact?

JF: I believe that's what the retainer says.

PP: Isn't it also a fact that I've told you that I will charge you no more than \$40,000.00 in the event that there is a trial regardless of how long that trial took.

JF: Yes.

PP: Haven't I also indicated to you that after your sentence in this matter, you have the absolute right to appeal this decision and this sentence, and this conviction, to the Appellate Division, Second Department, located at 45 Monroe Place, Brooklyn, New York, but that your notice of appeal must be filed to that address, to the Clerk of the Court, within thirty days.

JF: I believe that will be filed the day of my plea.

PP: But, isn't it a fact that I have advised you that you have the right to appeal.

JF: Yes, you have advised me of that.

PP: Haven't I also indicated to you that the actual plea and sentence have really very few Appellate issues. There are none. The thing that you really will be appealing is the issue of the

search warrant and the suppression of the search warrant and the seizure of the materials from your home. Isn't that a fact.

JF: That is correct. I also believe we will be appealing the denial of change of venue.

PP: That is correct.

JF: And the denial of the hearing.

PP: The denial of the hearing for the suppression and for the search of the property. Now, isn't it also a fact that I told you that in the event that Judge Boklan gave you consecutive time after a trial by jury, if you were to go to trial, that the Appellate Division has the power to reduce her consecutive time and to give you whatever time they felt was in the interest of justice.

JF: Yes.

PP: Now, knowing all this is it still your intention to plead guilty.

JF: Yes.

PP: Are you doing this voluntarily and of your own free will.

JF: Yes.

PP: Are you under the influence of alcohol or drugs at this moment.

JF: No.

PP: Are you under the influence of any intoxicant whatsoever that would inhibit you or prevent you from understanding every-

thing we are discussing.

JF: No.

PP: Do you understand everything that we have discussed?

JF: Yes.

PP: Have you ever been confined to a mental institution or to an insanity ward for any reason, or hospital?

JF: No.

PP: All right, now. I'm going to end this tape now Jesse. Is it your intention to plead guilty on Tuesday, December 20.

JF: As of this moment, yes.

PP: And is that your decision and no one else's decision.

JF: Yes.

PP: And are you pleading guilty because you are in fact guilty, and for no other reason.

JF: Yes, Peter. That is correct.

PP: Now, Jesse.

JF: Yes, Peter.

PP: Isn't it a fact that you went for a lie detector test at Richard Arthur's office at my direction in New York City.

JF: That is correct.

PP: And haven't you been told that insofar as the lie detector was concerned, that the lie detector showed that you were not telling the truth?

JF: That is what I was told.

PP: And isn't it also a fact that you have discussed this plea of guilty that you are going to be taking with your therapist, Marty Berenberg, and other therapist, Connie, what's her name?

JF: Kennedy.

PP: Kennedy.

JF: Yes, that is correct.

PP: And you are doing this plea of guilty, you are going to take this plea of guilty after full discussion of that plea of guilty with both those therapists.

JF: Yes.

PP: And you discussed this plea of guilty with your father.

JF: Yes.

PP: In fact, on December 17, 1988, which was yesterday, you flew out to Wisconsin and spent the entire day with your father.

JF: Two hours with my father.

PP: Your father is in Federal prison in Wisconsin?

JF: That is correct.

PP: And after you spent the two hours with your father

JF: Two hours

PP: You discussed your eventual plea of guilty with your father. Correct?

JF: Correct.

PP: Now isn't it also fair to say that when you first came to me you indicated that you were going to trial.

JF: That is correct.

PP: However, certain things have changed since June 3, 1988, which have changed your mind and made you desire to plead guilty. Would this be a fair statement of facts that since the last, that since the day you retained my services, that you have been indicted on a subsequent indictment, on a new indictment, and on the new indictment you are charged with over 190 counts.

JF: That is correct.

PP: And, your father Arnold Friedman is named in two of these counts. Actually, he is named in five of them, but three have been dismissed.

JF: That is correct.

PP: And your father has already plead guilty to everything.

JF: He indeed has.

PP: And Ross, who is a co-defendant in this indictment has not only indicated that he would testify for the state, and against you, but he has in fact given under oath, a question and answer to the District Attorney's office, and in that question and answer, he has told them that everything that you are accused of, did in fact happen.

JF: That is what I've been told.

PP: It is because of those reasons plus the fact that there are approximately fourteen children in all who could testify against you at this point, Ross, and there have been allegations that

perhaps Gino Scotto and/or Danny Ackerman may be subpoenaed to trial, that all of these factors have induced you to plead guilty. Correct?

JF: Correct.

PP: Elaine Friedman, you are sitting here. Correct?

EF: That is correct.

PP: State your name for the record please.

EF: Elaine Friedman.

PP: And Elaine, you are what relation to Jesse?

EF: I am Jesse's mother.

PP: And how old are you, Elaine?

EF: Twenty-nine plus.

PP: Okay, I'm going to go on to a new tape. This tape has ended.

PP: Now we are continuing with this tape. The tape is actually on side one of this tape, but it is the third side of the December, 19, I'm sorry, December 18, 1988 tape. I am sitting with Jesse, I am sitting with Jesse Friedman and his mother Elaine Friedman, and we will continue the conversation with Elaine Friedman. Elaine, you have been in my office on many, many occasions since June 3, 1988. Correct?

EF: Correct.

PP: And we have over the course of the last couple of weeks been discussing the possibility of a plea of guilty. Correct?

EF: That is correct.

PP: You are well aware of Jesse's rights to a trial by jury, his rights to confront witnesses, to be cross-examined, to cross-examine those witnesses, to put the DA to his test of proof, to make the DA prove his case against Jesse, beyond a reasonable doubt, and have the children testify for me to cross-examine the children, and all the other constitutional rights that Jesse has. Are you not?

EF: That is correct.

PP: And we discussed this many times. Isn't that a fact.

EF: Yes.

PP: And, can you please state what you think is in Jesse's best interest, whether he should go to trial or whether he should take this plea offer of six years on a minimum and eighteen years on a maximum.

EF: It is for Jesse's best interest to take the plea offer and not to go to trial.

PP: Why do you feel that it is in his best interest to take a plea and not to go to trial.

EF: If Jesse were to go to trial he would probably get a much more severe sentence.

PP: And are you convinced that the plea for Jesse of guilty to one count of sodomy as to each of the children with a sentence of six to eighteen years in jail, is the best thing for Jesse to do.

EF: Yes, I'm convinced of that.

PP: And have you given this much thought, Elaine?

EF: I have given this almost a year's thought.

PP: And, have you discussed this with Jesse?

EF: Yes I have.

PP: And does Jesse believe this is in his best interests?

EF: Yes he does.

PP: And have you discussed this plea offer with me in Jesse's presence?

EF: Yes, I have.

PP: And does Jesse express to me that it is in his best interest to take this plea?

EF: Yes it is.

PP: You've known Jesse all his life, haven't you?

EF: I'm his mother.

PP: And do you feel that Jesse knows what he is doing here?

EF: Jesse knows what he's doing.

PP: Do you feel that Jesse is rational?

EF: Yes, he is.

PP: Do you feel that he is taking this plea, voluntarily, and of his own free will?

EF: Yes, he is.

PP: Do you feel that Jesse is doing this knowingly?

EF: Yes, he is.

PP: Who does Jesse live with?

EF: He lives with me.

PP: Is there any evidence that Jesse has been on drugs or alcohol or in any way impaired in such a way that his judgment would be affected.

EF: No.

PP: And, Jesse has entered a therapy session with you. Correct?

EF: Yes.

PP: And who do you see in that therapy session?

EF: Connie Kennedy.

PP: And how often have you been seeing Connie Kennedy?

EF: Once a week.

PP: And for how long have you been seeing Connie Kennedy?

EF: Almost a year.

PP: And have you been seeing her with Jesse?

EF: Yes.

PP: And is this plea discussed openly with Connie Kennedy?

EF: Yes.

PP: And does Jesse indicate that it's in his best interests to take this plea.

EF: Yes.

PP: And does Connie Kennedy indicate that she agrees that it is in Jesse's best interests to take this plea?

EF: Absolutely.

PP: And have you both told me after speaking with Connie Kennedy that you feel that it would be in Jesse's best interests to take this plea?

EF: Yes.

PP: Have I ever done anything at all to force Jesse to take this plea?

EF: No.

PP: Have - Isn't it a fact that I have told you that I would try this case by trial by jury to it's conclusion, whether it took six weeks or six months, or six years and that I would never charge you another nickel other than that which you have already paid me.

EF: Yes, that's true.

PP: And do you believe that to be true?

EF: Yes, I believe it to be true.

PP: And in fact I have charged you \$25,000.00 plus a \$15,000.00 bail assignment transfer, and I have stated in a retainer, and I have stated orally to you now, that that would be my whole fee whether this matter went to trial or did not go to trial. Isn't that a fact?

EF: That's a fact.

PP: Okay. Jesse, do you have any questions?

JF: Yes. Does that retainer include all my appeals?

PP: That's the only thing it doesn't include. If you recall, I

have a copy of the retainer. The retainer says that if you want to appeal this case, which you have an absolute right to appeal, that I would charge you a maximum of \$15,000.00 additional money for an appeal, but the cost of printing of that appeal and the cost of the transcripts would have to be borne by you. Do you have any other questions?

JF: Yes.

PP: What.

JF: What's the best way to Manhattan from the South Shore?

PP: Before we get on to that. Elaine, do you understand that Jesse has, if he takes a plea here, and after he is sentenced, has an absolute right to appeal his conviction by filing a Notice of Appeal with the Appellate Division, Second Department within thirty days of his sentence, and the Appellate Division, Second Department is located at 45 Monroe Place, (New York, I'm sorry) Brooklyn, New York. Do you acknowledge me telling you that Jesse has these rights and where and how to file a Notice of Appeal?

EF: Yes, I do.

PP: Now, I was not the lawyer, Elaine, when Arnie was arrested and when Arnie was convicted and sentenced. Isn't that correct?

EF: Correct.

PP: You have indicated to me and so has his attorneys, and so does the Court record that Arnie plead guilty and admitted to all of the acts for which he was accused. Correct? Or for

EF: Felonies.

PP: The felonies, okay. So they didn't require him to plead guilty to the misdemeanors but he did plead guilty and admit to all of the felonies. Correct?

EF: Yes.

PP: And those felonies include sodomy in the first degree?

EF: Yes.

PP: And he admitted that he sodomized children between and little boys between the ages of eight and twelve years old?

EF: Yes.

PP: Isn't it also a fact that Arnie gave a closeout statement that allegedly was some four hours in duration after the plea. How long was it?

EF: It was four hours.

PP: But he gave a closeout statement. Correct?

EF: Yes, he did.

PP: And in that closeout statement, Elaine, he admitted to other sodomies on other little boys as well as the ones he was charged with. Correct?

EF: Correct.

PP: And are you now convinced that your husband plead guilty because he was in fact guilty of those sodomies?

EF: Yes.

PP: And are you also in support of Jesse's plea of guilty to all

of these charges that he is going to be pleading guilty to because you are also convinced of Jesse's guilt to the charges for which he is charged?

EF: Yes.

PP: Okay Elaine. I have no further questions at this time and that will conclude the interview with Jesse and his mother, Elaine, in each other's presence. And Elaine, were you and Jesse indeed in each other's presence during this interview.

EF: Yes.

PP: That is the end of the interview.

PP: Okay, that is the end of this tape and the end of this interview. I'm rewinding it.

STATE OF NEW YORK)
COUNTY OF NASSAU) s.s.:

I, JESSE FRIEDMAN, the undersigned, have read the foregoing transcript of conversation of December 18, 1988.

I have read the foregoing, know the contents thereof, and that the same is true of my own knowledge.

JESSE FRIEDMAN

On this 20th day of December, 1988, before me personally came JESSE FRIEDMAN, to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he executed the same.

Notary Public

EXHIBIT 3

A0970

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.01/2

Media Transcripts, Inc.

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FOR

THE INVESTIGATIVE NEWS GROUP

311 West 43rd Street

New York, NY 10036

PROGRAM

GERALDO RIVERA

KIDDY PORN

TAPE 1.

STATION

DATE

CITY

INTV W/JESSE FRIEDMAN

GERALDO: First part, let's start at the end and we'll work our way back. Okay.

What was your reaction when the judge passed sentence and then recommended that you spend the maximum time in prison?

JESSE: Well, I knew the sentence I was getting. It was ... it was a prearranged deal. I had a feeling the judge was going to recommend I do the full time. I was hoping she wouldn't. I thought that she'd be able to read the report and understand the situation. I understand her position and I understand the feeling of the community at large and I can see that it was ... it was ... it was

A0971

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.02/28

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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necessary. She had done the same thing at my father's sentencing. So, it wasn't too much of a surprise to me.

GERALDO: Do you remember what you said to the judge prior to the sentence being handed down?

JESSE: Yeah.

GERALDO: Can you repeat it right now?

JESSE: Ah I told her I .. I was truly sorry in my heart for everything that happened. I feel terrible for the children who were involved and who were victimized. But that I was a victim also. Everybody involved was a victim of my father. Myself, the children, certainly the families of the children and the community. We are all victims of my father. I ... I'm looking forward to spending my time in jail productively and getting an understanding of what happened and how it was wrong and had to see it and prevent it from happening again. Basically, the one thing I wish most is that I could have been able to atone it sooner

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A0972

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.03/2

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

Page 3

wish I had the power to have stopped what was happening.

GERALDO: Why didn't you have the power, Jesse, why did it take the police and the Federal authorities to stop this ... this bizarre and horrifying conduct?

JESSE: I was ... after years and years and years of ... of a very bad situation between my father and myself and the whole family, it ... (SIGHS) ... I was too scared!

Once ... once I realized what was going on and that it was getting worse the stakes got worse. As more and more bad things happened, there was more and more pressure from my father. There was more and more fear that grew inside of me, that if anybody ever fought out, it would be horrible for everybody. I was scared for myself. I was scared that I'd lose my father, which ... was the most important thing to me, for most of my life. And I was scared that I'd lose my opportunity to get away from what was

A0973

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.04/28

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ING/GERALDO -Kiddy Porn Tape #1.

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happening and put an end to it the only way I came to the conclusion I could.

GERALDO: What is your estimation of the number of victims? How many kids?

JESSE: That's very difficult to say. There were certain children who were actually physically abused. There were certain children who weren't actually physically abused, but were witness to what was going on. Certainly, I would imagine the friends of the poor kids who were being abused ...

GERALDO: How many kids, Jesse, did you and your father physically abuse in your home?

JESSE: (LONG PAUSE) I guess seventeen.

GERALDO: Seventeen different children.

JESSE: Seventeen children.

GERALDO: Ranging in age from what to what?

JESSE: Nine to eleven. Mostly ... mostly around ten and eleven.

GERALDO: What did you do to the children?

A0974

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.05/28

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ING/GERALDO -Kiddy Porn Tape #1.

Page 5

(PAUSE) I fondled them. I was ... forced to ... to pose in hundreds of photos for my father in all sorts of sexual positions with the kids. And the kids likewise with myself.

(CLEARS THROAT)

Oral sex going both ways.

I was forced to pose with my penis against their anus. I would control the kids. I would keep them in line if ... if a class got too riled up.

(PAUSE)

GERALDO: Why didn't the kids ever tell?

JESSE: The same reason I never told.

GERALDO: Did you threaten them, Jesse?

JESSE: I sort of felt on the same level as the children.

GERALDO: I'm not asking you how you felt. I'm asking you if you threatened the kids and told them that if they told, something awful would happen to them.

JESSE: Yeah.

GERALDO: What did you say? What did you

Appendix 009514

A0975

I:N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.06/28

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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olds and the eleven year olds?

JESSE: I just told them that if they
told anyone what was going on, that it would

(PAUSE)

I was too scared.

GERALDO: Jesse. We're not up to that
yet. What did you tell the children?

JESSE: Please stop for a moment?
Please.

CUT.

CUE: "ROLLING"

GERALDO: I want you to tell me what you
told the kids and then we'll get into your own
victimization. We'll establish that. I
promise. But now we have to establish what
you did. What did you tell those kids. What
did you tell those nine year old and ten year
olds and eleven year olds?

JESSE: I told them...that...if they told
anyone what was going on...that...I...I knew
terrible, terrible things would happen to

A0976

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.07/2

**Media Transcripts,
PROGRAM**

ING/GERALDO -Kiddy Porn Tape #1.

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would...would hurt them much worse...than he had been doing already. I...I know my... my father had made vicious threats to the kids about...about burning down their homes and things like that and...I...re-established that with the kids that I...I thought it was completely possible that my father would actually burn down their homes or...or... or hunt down their parents or something like if ...if they told what was going on.

GERALDO: You're in here now...for a long time. How do you feel about what you've done. How do you feel about the threats? How do you feel about them, the blackmail...the intimidation of these little children?

JESSE: It was all horrible. I mean...

GERALDO: How do you feel about yourself, Jesse?

JESSE: I feel terrible that...I wasn't able...I didn't have the strength or...or the knowledge from...from not having grown up enough or not having learned enough to have

A0977

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.08/28

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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that I could have done something, that I could have...I could have told the kids...tell your parents what's going on.

GERALDO: But you were enjoying it weren't you?

JESSE: Oh no. Oh I never enjoyed it. I hated every minute of it. It...it was...it was...it was degrading. It was...it was...disgusting. It was...it was...mentally painful to go through. It...

GERALDO: Would this happen ever day of the week Monday through Friday?

JESSE: Oh no. No. Classes were only... usually two...sometimes we had three... different classes a week. The kids came once a week and there were times when...we held computer class and...there wasn't abuse going on. It...it wasn't a...particularly, every single time...every day of the week with the kids.

GERALDO: It was a common pattern. I mean...

Appendix 000517

N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.09/28

A0978

**Media Transcripts,
PROGRAM**

ING/GERALDO -Kiddy Porn Tape #1.

Page 9

definitely a common pattern.

GERALDO: Those kids knew when they were coming to your place what they they were coming for.

JESSE: Yes. They knew what could possibly go on and what would happen.

GERALDO: And the picture taking.

JESSE: Constantly. Always...that...for the most part...that was the reason it...it went on. My father was avidly interested in photography...for years and years and years and...that was...where he dragged me into it.

He wanted...pictures of sex acts with the kids and he needed someone to...perform sex acts with the kids and...he...forced me to do it.

GERALDO: What did he say to you?

JESSE: It wasn't so much what he said to me it was...what I knew...from growing up with him what would happen if I said no to..

GERALDO: Were you his first victim?

JESSE: As far as I know.

Appendix 000518

A0979

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.10/2

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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GERALDO: And what did he do to you? More
photography?

JESSE: He did just about everything to
me. He...used me for...what's now...been ten
years of life, the past ten years of my life
he...used me and abused me...basically
whenever he felt like it.

GERALDO: In...in sex acts you mean?

JESSE: Yeah. It...it started when I was
...about eight or nine and he'd...he'd fondle
me. He'd read me bedtime stories and...and
he'd fondle me in bed and he'd shower with me
and he'd...he'd play with my penis. And as I
hit puberty he...he became ac... actively
involved in...in having sex with me.

GERALDO: Didn't you tell your mother?

JESSE: I couldn't tell anyone. At first
I didn't say anything because...there were
lots of reasons. At first...I like it. It
was...it was some signs of affection, some
signs of...of...of loving or caring in the
world.

A0980

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.11/28

**Media Transcripts,
PROGRAM**

ING/GERALDO -Kiddy Porn Tape #1.

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and...teased me and beat me up as older brothers do to their younger brothers all the time and then being so much older than me as they are...and...being two of them I was...I never had a relationship with them. My mother was never much involved in being with me or caring about me.

GERALDO: Do you really believe your mother didn't know over ten long years what your dad and you were doing?

JESSE: She didn't outrightly know. I think if she did...she would have done something. She might have suspected. She might have suspected and...and...and...and buried it, not wanting to face it. But if she had...if she had actually known she would have said something.

GERALDO: What'd your father do with these photographs?

JESSE: He would send them off to friends of his who...had darkrooms who could develop them. We...we don't have a darkroom. He always just sent them out. I mean sometimes!

A0981

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.12/28

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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he would give them to friends, mostly he mailed them.

GERALDO: Do you remember to who he sent them?

JESSE: It was just friends. Like...there was...there was [REDACTED] and there was...there was [REDACTED]. I never met...I never met them.

GERALDO: (OVER) Obviously...people in the same kiddie porn underground?

JESSE: Yeah, people with the same interests, the same...perverted desires. I... I...I never met any of them and...and...I never much probed where they went somehow. I mean he wouldn't tell me anyway.

GERALDO: Did he also take videotapes?

JESSE: Yeah. Yeah.

GERALDO: Videotapes of you in action with the children?

JESSE: Yeah. And the kids naked. Yeah.

GERALDO: How many kids would be in one episode?

JESSE: Well there was anywhere from... four to...to eight kids in...in a class.

I.N.G. / GERALDO RIVERA TEL No 212-581-8196

Feb 14, 89 9:23 No 0098213/28

**Media Transcripts,
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ING/GERALDO -Kiddy Porn Tape #1.

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GERALDO: All boys.

JESSE: For the most part. Evidently computers wasn't a very...girl thing to do and I guess my father always discouraged the girls from enrolling.

GERALDO: Because of his particular tastes?

JESSE: Yeah. He just...he loved boys. Disgusting but true.

GERALDO: Did you sit and screen the videotapes with you dad?

JESSE: No I couldn't watch them. No, I... I don't think I've ever actually even... watched a single one of them.

GERALDO: What about the photographs?

JESSE: I saw some of the photographs. Some of them came back. He had his own personal collection of his favorites. I was never interested in looking at them. It made me even more sick than I already was.

GERALDO: Did he sell them?

JESSE: I don't think he actually sold them. I think it was mostly just a... As per 0098213/28

A0983

F.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14, 89 9:23 No.003 P.15/28 **A0984**

**Media Transcripts,
PROGRAM**

ING/GERALDO -Kiddy Porn Tape #1.

Page 15

GERALDO: Tell me.

JESSE: I wasn't home when the... the
federal officers came. I was at school. And I
came home. I think it was about a week after
they came and I noticed that... things were all
out of place from the way I'd left them. And
I also noticed there was something very
peculiar...

END OF TAPE 1.

10985

L.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003 P.16/2

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PROGRAM

ING/GERALDO -Kiddy Porn Tape #2.

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START TAPE 2.

GERALDO: Okay, you get home, Jesse,
everything's out of place...

JESSE: Yes.

GERALDO: (OVER) When do you real1... at
what point do you realize that the place has
been raided by the cops and that your worst
nightmare had come true?

JESSE: My father took me aside when I got
home and I went to my father. I said: Look,
what's up? And...he took me out for a walk
and...he told me what had happened, that the
police had come. That my mother...found out
about the magazines and the photos and all.

She...at that point wasn't talking to
him. She had moved in with my grandmother.
And he told me...that...well he told me he
wanted to kill himself. He told me he wanted
to kill me too and take me down with him. He
was so scared of anybody finding out
about...about what was really going on

A0986

I.N.G./GERALDO RIVERA TEL No.212-581-8196

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that...he was really willing to take his life
and my life.

GERALDO: Why didn't he?

JESSE: Well...I left very quickly. I
told him I wouldn't help. I told him I'd
...I'd keep it a secret. I...I told... I...I
...I basically convinced him not to kill
himself. Just because I loved him so much and
I just...the thought of losing him would have
just...the thought of...the thought of losing
him would have...would have killed me.

GERALDO: Still.

JESSE: What do you mean?

GERALDO: Even after what he had done to
you and to the boys.

JESSE: For most of my life he was the
only person who ever loved me. He was the
only person who ever...was with me, who would
do things for me, who'd show any sort of
affection...

GERALDO: (OVER) He used you.

JESSE: (OVER)...towards me.

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A0987

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14, 89 9:23 No 003

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first as a sex object and then as an - actor
in his perverted movies.

JESSE: It took me a long time to realize
that. It took me until...I guess I was... it
took me til I was seventeen to realize that.

GERALDO: When did you...realize that you
have better tell the truth?

JESSE: Well my mother asked me about what
has gone on and I gave her some silly story
and just went back to school. And...tried to
think about the whole thing. I debated for
...many days as to what to do. My father would
call and I...I wouldn't take his calls.

My mother would call. I told my room
mates...don't take their calls. I basically
tried to just...just put it aside and hope
that...that...in some strange way it wouldn't
be pursued. And...

GERALDO: That they wouldn't come after
you.

JESSE: Well that...that it wouldn't go

I.N.G. GERALDO RIVERA TEL No. 212-581-8196

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ING/GERALDO -Kiddy Porn Tape #2.

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magazines and all the videotapes and left

And it seemed like that was it. They just wanted to confiscate all the stuff and...and find out my father's contacts and things. And in some way or another I...I...I don't know if I was lucky or unlucky but I managed to put the whole thing off until I came home for Thanksgiving and...that was...that was the big shock.

I...I came home and I went out with a bunch of my friends and went into New York City for the day...shopping and stuff. I was planning on staying out the whole day and then I decided I'd go home for dinner. I called them up to tell them to expect me for dinner and someone answers the phone.

I...I said hello...and she goes...who is this? I say; It's Jesse. Who are you trying to reach? I was just trying to reach my home. The voice...you've reached your home; your mother and father have both been arrested. Are you coming home? I told them, yeah. Said; Well you'll be briefed when you get here.

A0989

I.N.G./GERALDO RIVERA TEL No.212-581-8196

Feb 14,89 9:23 No.003-P.20/

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And I...I think it was...it was at that moment...that...well I...I think I basically just turned to jelly. I...my friends asked what was wrong. I...I certainly couldn't tell them. I just told 'em I had to get home and they knew there was something very wrong and they...they took me sort of...very carefully escorted me, we got on the train, came home and...I really wasn't sure what to expect when I got there.

I was..I was..scared out of my wits. I was...I was almost just too scared to go home. I was really convinced I would just stay in New York City and just..not go home. Just figure something else to do and just not go home for a long time.

GERALDO: So you got home and...

JESSE: And I found...TV cameras everywhere. Policeman everywhere. My brother pulled me aside and he told me what had happened, that they'd both been arrested and ...police officer came and said they wanted me ,
to come inside

A0990

I.N.G./GERALDO RIVERA TEL No. 212-581-8196

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PROGRAM

ING/GERALDO -Kiddy Porn Tape #2.

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I went in and...police everywhere. They...they were taking everything. They were going through every box. They weren't leaving anything unturned.

I still wasn't sure what was going to happen. I...I thought they'd just question me about what had gone on. And I guess I sort of realized at that point I was going to have to start telling someone what had gone on. And they arrested me. They questioned me for awhile and then they said: You're under arrest and they slapped handcuffs on me.

And...they took me out in front of the TV cameras and...and...threw me in the car and drove me down to the police station. I wasn't really sure what was going on.

GERALDO: Jesse, you weren't really sure or...you were very sure.

JESSE: I was very scared and...I was quickly realizing that my worst nightmare had come true. And I also realized that what I had feared all along...

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A0991

I.N.G./GERALDO RIVERA TEL No.212-581-8196

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Media Transcripts, Inc.

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GERALDO: If it were my child in your computer class I would probably want to kill you, Jesse.

JESSE: I can understand that. If it... were my child and someone did it to my child I'd want to kill them too.

GERALDO: What you've done is one of the most horrible crimes you could possibly commit.

JESSE: That's true. That's very true. I ...perfectly understand how everybody is so appalled at what had gone on. I realize that now. Four years ago, I didn't.

GERALDO: Seventeen kids.

JESSE: Yeah.

GERALDO: The state says probably three times that many.

JESSE: Well there were kids who were in the classes who were witness to what was going on who...all for different reasons never were actually physically abused by my father.

GERALDO: Or you.

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A0992

N.G./GERALDO RIVERA TEL No.212-581-8196

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GERALDO: And there was a neighbor involved.

JESSE: Yeah.

GERALDO: A buddy of yours.

JESSE: Classmate.

GERALDO: And for how long was he a participant?

JESSE: For...for...

GERALDO: (OVER) And what did you have ...did you have a party over there. you, your buddy and your dad and the kids?

JESSE: Well...he just happened to come in one day. Just to stop in and say hi and he walked in on...on...on...my father taking pictures with me having...I was...guess I was fondling the kid...I mean the...the kids, most of the kids were...naked or half naked and he was talking pictures.

And...the...the only...I...what my father did at that point...was he...he offered him money. Not do much to not say anything but

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A0995

I.N.G./GERALDO RIVERA TEL No.212-581-8196

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with the kids. Cause he...wasn't in as many of the pictures as he wanted to be. He wanted pictures of...of me and him having sex.

GERALDO: With the kids.

JESSE: Well him having sex with me.

GERALDO: Your father wanted pictures of him having sex with you, his son.

JESSE: Yeah. Yeah. And...he paid Ross to take pictures of it.

GERALDO: It's so sick, Jesse. It's so perverse.

JESSE: It's...it's worse than that. But it wasn't as if...it's as...started happening when my...it gradually...grew into worse and worse things...and...once it got started it was very difficult to stop. It was impossible to stop.

GERALDO: (OVER) Where would it have ended up? Where would it have ended up if you had not been caught? What would have been next; snuff films; killing the children and photographing...

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N.G. GERALDO RIVERA TEL No.212-581-8196

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GERALDO: (OVER) ...their deaths?

JESSE: I...truly believed...once I got away from my father, once I left for school...that it would stop. I always saw myself as the object of his desires. It was... it was me being there that caused him to start abusing the kids in the first place.

It was...it was...me...saying no to him as I grew up and had the courage to say: No, dad, don't do that. That he started...doing things to the kids.

GERALDO: You said off camera that you were concerned about how your father feels. Well why are you concerned about this... this hateful, disgusting man?

JESSE: He's my father. He will always be my father. I...loved him very much for many, many years in...in...(COUGHS)...in the only way I...I knew to love my father.

GERALDO: You know the expression, short

A0995

V.G./GERALDO RIVERA TEL No. 212-581-8196

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PROGRAM

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abusers, where you're going. How do you think the prisoners, the other inmates will treat you?

JESSE: Horribly. If not worse. I've ... I had a taste of it on the outside. I had a brief taste of it here. And I guess I can only expect it to get worse. There really isn't much I can say to any of them.

GERALDO: Or to us.

PHONE RINGS.

JESSE: I guess not.

GERALDO: Eighteen years.

PHONE KEEPS RINGING.

JESSE: Hopefully not. (PAUSE) I'm not... I'm not a pedophile. I don't... enjoy having sex with kids. I... was never... interested or had fantasies about having sex with boys. I'm not a homosexual. I never... felt like I... I... never asked my father to have sex with me. I... I never...

GERALDO: (OVER) Then... then what are you... Appendix 000535

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I.N.G./GERALDO RIVERA TEL No. 212-581-8196

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JESSE: I'm a victim of a very bad
childhood. My father...

GERALDO: That's what Charlie Manson says.

JESSE: I don't know much about Charlie
Manson. What I do know is that...I relied on
my father...as a child to...

GERALDO: (OVER) You take no
responsibility?

JESSE: No. It's not that...I...I...I
don't deny I have responsibility for what
happened. At times I feel like I...have more
responsibility than anybody else because... of
everybody involved, I should have been the one
to say something to stop it, to do something
about it and I feel awful that I couldn't.

GERALDO: Or didn't..

JESSE: And didn't. I...didn't know as a
sixteen year old that...physical contact of
that sort with your father was...uncommon or
...or wrong.

GERALDO: You didn't know. How could you
not know?

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knowing. It was what I grew up with. It was
all I knew.

OFF CAMERA COMMENTS.

GERALDO: Well I think Peter will make a
... a good case for some kind of compassion in
sentencing but...he ought to...he also better
make a good case to keep you in isolation up
there because that....

JESSE: Yeah.

GERALDO: ...I mean the real...I mean
those...those black and Puerto Rican daddies
up there are not going to...

JESSE: It's not just the blacks and
Puerto Ricans...

GERALDO: (OVER) ...care.

JESSE: ...it's everybody.

GERALDO: I was just talking from a
personal experience, they're just not going
to...they're not going to be your fans. Okay.
Good luck.

EXHIBIT 4

BOKLAN INTERVIEW —

WORKING COPY

HIT THE GROUND RUNNING FILMS

"CAPTURING THE FRIEDMANS"

INTERVIEW WITH ABBEY BOKLAN

CORRESPONDENT: NOT IDENTIFIED

PRODUCER: NOT IDENTIFIED

TAPE #111 CR# 47-50

(OFF-MIKE CONVERSATION)

QUESTION:

Well, that's a lot of times the best way to do it is you don't, you know, you don't have any fear going in. And they say, "Well, there's only one candidate that we saw that was completely fearless and relaxed. And, you know, she seems like she's the best person--"

ABBIEY BOKLAN:

Well, I wasn't relaxed once the-- the real campaign started. First of all, I took my children's college money a-- as the money-- a lot of the money that we were expending during the-- especially the contested primaries, you know. I mean, I-- was just crazy. But I found a red rabbit's foot on the courthouse steps-- red is my

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TAPE #111 CR# 47-50

PG, 2

favorite color-- the day the call came from the governor. So in my strange head, I figured, I (LAUGHTER) couldn't lose.

QUESTION:

Great.

ABBEY BOKLAN:

Yeah, maybe I was just really a wild--

QUESTION:

Tell me about the--

(OFF-MIKE CONVERSATION)

QUESTION:

Just give me some background-- you were saying that one of the things you do is you prosecuted murder cases.

ABBEY BOKLAN:

Yes, I--

QUESTION:

Because I'm curious about that, 'cause this case, obviously, was a-- this was a tough case in a lot of ways, so I'm curious about that experience that you had with murder cases, and that kind of-- you know, you weren't a shrinking violet at

TAPE #111 CR# 47-50

PG. 3

that point--

ABBEY BOKLAN:

No, well even before the murder cases, I was head of the sex crimes unit of the-- district attorney's office here in Nassau County. And I was the one who started the use of the rape kit, the start of the use of the-- sex crimes dolls. I don't know if you're familiar with them. It's Raggedy Ann and Andy with genitalia, type things.

And from there, I became the deputy chief of the trial bureau of county court, training other people to try cases. And-- then I became a member of the Major Offense Bureau. No, I think it was reverse. (UNINTEL) that-- I-- that came after the Major Offense Bureau. So in the Major Offense Bureau is when I tried the murder cases.

And I was the first woman in Nassau County to ever successfully try a murder case. So-- no. I really-- I was not intimidated by-- by this case, if that's what you're asking. Because that was

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PG. 4

my background. Practically all of my professional career had been working-- working in criminal law, and with criminal law cases. So.

QUESTION:

This case. How did this case-- first come to your attention? Do you remember-- what was the first thing you remember about this case?

ABBEY BOKLAN:

The first-- (UNINTEL) thing I remember-- is when the case came for arraignment on indictment. It was an indictment that came from the grand jury of-- you know, Jesse Friedman. And Arnold Friedman. And arraigning them.

And the-- the media frenzy that first time was the first time that I ever dealt with that as a judge. In fact, I think this was the first time in Nassau County the media was ever permitted into the courtroom for that arraignment. And that was how the case came.

I may have read previously in the newspapers

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PG. 5

about-- a search warrant being executed. But I don't remember whether I did or not. Or if it was even in there.

QUESTION:

And when this-- arraignment came, what was your-- what's your first recollection of that, or what your feeling was when you first saw it?

ABBEY BOKLAN:

My first recollection is, I hated those type of cases. It was very difficult when I was the head of the sex crimes unit dealing with young children who had been abused sexually. I mean, I was a mother. I had two young children of my own.

So I think that was my first reaction when I saw the number of counts. Heard about the number of children that were involved, the-- this is really terrible. My second recollection, as I said, was the media frenzy out there. And there were an awful lot of parents of the young children, and family members, and community members who were

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PG. 6

very interested. So it was a very full courtroom-- the day of that arraignment.

QUESTION:

And what do you remember about the-- the Friedmans when they came in? What was your-- perception of them?

ABBEY BOKLAN:

I didn't have much of a perception. They-- the att-- the attorneys do most of the talking-- at arraignment. They really didn't speak. Jesse was young. He looked young.

And-- and that was kind of sad. To see such a young boy in this situation. But they were very quiet. Both of them were quiet. And that was all that I recall about that.

QUESTION:

And after this arraignment (COUGHING)-- what was the next step that you remember?

ABBEY BOKLAN:

Then we began the conferences, as to whether this case would be resolved by a plea, or would go to

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PG. 7

trial. Fairly early on, it became evident that-- the father, Arnold Friedman, was looking to plead. My sentencing commitments, if he pled, were-- was very, very high. It was 10 to 30 years. The district attorney had indicated that that-- would not be offensive to the-- to the families were-- that were involved.

And we went through the set of negotiations. And he finally determined that he was going to plead guilty. Jesse, at that time, the son, was still indicating that he was not guilty. That he was innocent of the charges. So additional indictments came down. Additionally-- more children were found to be involved. And-- and that is my next recollection of that stage.

QUESTION:

Was there subsequent indictments (COUGHING)?

ABBEY BOKLAN:

The subsequent indictments that came down on Jesse and another-- another co-defendant as well, a y-- another young boy.

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PG. 8

QUESTION:

And we can't talk about him because--

ABBEY BOKLAN:

Well, we can talk about him, but we can't talk by name.

QUESTION:

Because he was c-- granted--

ABBEY BOKLAN:

He actually was given youthful addender (PH) adjudication. That was not my choice. My sentence was a stricter one than-- the district attorney had negotiated with the defendant. But I was not a party to those negotiations.

The young man involved agreed to testify in the grand jury, and at later trial, against-- Jesse Friedman, in return for this offer made by the district attorney. Since I was not a party to it, I was not bound by it, I felt. And I gave him an upstate sentence, that was later reduced by an appellate court. (UNINTEL) they granted youthful offender adjudication, and gave a split

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PG. 9

sentence, a six months, as a special condition of five years probation. W-- the initial offer by the district attorney's office, because they felt that even though the judge (myself) was not a party to it, that the boy had relied on their promise when he testified at the grand jury. So.

QUESTION:

Is it typical that you would be involved in-- in other cases where the DA makes a deal. How do they bring the judge in, so that they do know that the judge is committed?

ABBEY BOKLAN:

Yes. We-- well it was supposed to be a-- a confidence, and then they're supposed to ask the judge, "Can you go along with this" before any promises are made. Because they know-- except in a very strange case like this, that until the judge commits to a certain sentence, there really is-- no plea that has been worked out. And in this case, that sentence was not negotiated for and agreed to by me.

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PG. 10

QUESTION:

Do you have a sense of why-- of why it was-- it was handled differently? Was it-- maybe the pressure of the case, or the intensity of the negotiation or something, that prevented the assistant district attorney from including you in that?

ABBEY BOKLAN:

I think the assistant district attorney thought that they had left the ultimate decision in my hands, and only after the appellate division reversed did everyone realize, or did the appellate division decide, that-- the-- the boy had relied on it, and was entitled to it. Even though all the rest of us had thought it would be-- left to me at time of sentence, and after reading probation reports, and everything else, to determine what the appropriate sentence was.

QUESTION:

Is there a-- is there any-- do you have any sense of why-- I think that young man took a long time to get to the point where he agreed to turn and--

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PG. 11

and-- testify against his friend, Jesse. How does that usually work? Why would it take a long time for him to do that? And what were they trying to work out?

ABBEY BOKLAN:

It could very well have been that the-- defense attorney was trying to get as good a deal as possible. Also, it could have been because the families were enraged. The victims' families. That he was getting such a great deal. That I can't answer you. That you'll have to ask the district attorney's office, because I was not privy-- to those negotiations.

QUESTION:

So now, from the standpoint of-- let's just go back to Arnold for a second. Arnold ultimately did plead guilty.

ABBEY BOKLAN:

Yes.

QUESTION:

What's your recollection of that?

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ABBEY BOKLAN:

My recollection is-- a full courtroom. The media. The TV. And my greatest concern was that in no way should the children's names be revealed, should anyone find out who the real children were. Because they had to still live in the community of Great Neck. They were in school.

So that-- I asked most of the questions during the sentence. It wa-- it was some things like, "On such-and-such day, did you do X-- crime?" And he would answer, "Yes. Yes. Yes. Yes." So it wasn't a very long-- it was long, because there were so many counts being pled to.

But it wasn't a rambling, open narrative, where the children's names could possibly-- leak out. I also remember that I was very, very concerned that there be no photographs taken of the families, because the young children could be identified-- through those photographs as well.

Abbey Boklan Complete Transcript (111-113).doc

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PG. 13

And the tremendous horror if any of this got on-- on television, and they saw their names, or their families on television, that they were the victims of the-- these horrendous acts.

QUESTION:

Now, obviously, you felt strongly that there was a benefit to having the cameras there as well, because otherwise you would have just kicked them out. What was your-- what was-- what was going through your mind? Because they-- they had to apply to you, I guess--

(OFF-MIKE CONVERSATION)

QUESTION:

So I was asking about the-- the decision-- it was the first time that cameras were allowed in the courtroom, I guess, in Long Island or in--

ABBEY BOKLAN:

In Nassau County, I--

QUESTION:

Right. And what was-- what-- what was the-- what was that decision process?

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ABBEY BOKLAN:

Well, I listened to the defense attorneys, who were opposed, as I recall. The district attorney was not opposed. And of course it's his job to protect the children. It was-- something the community was very interested in. The media was very interested in. and-- and I-- I believe in open courtrooms. And as long as the names of the children, and the children could be protected, I saw no harm in it.

I wasn't that concerned about protecting the defendants. Their pictures, their names, were all over the-- the newspapers. S-- so (LAUGHTER) their reputation at that point was not too good. It was mainly, as I said, the protection of the children. I was assured by the-- the camera personnel, by the media, that they would take no pictures of the families. That they would ensure that they would block out the names of the children.

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QUESTION:

If they were used.

ABBEY BOKLAN:

If they were used. And they would-- take all measures to protect them. And-- and they did. And they were very responsible in their coverage, as far as that went.

QUESTION:

The-- I mean, obviously somebody-- sex offenders will say-- and I've even heard some prosecutors say, as soon as you're on television, and it says "sex offender," you never will get a fair trial. You know. What do you think about that?

ABBEY BOKLAN:

I think they'll get a fair trial. First of all, you have the opportunity to-- during voir dire to speak to the jurors, to make sure they haven't seen any of the coverage. Or if they have, that it won't affect them.

In general, I've been amazed how little the jurors have read or recall of even some of these

TAPE #111 CR# 47-50

PG. 16

high-profile-- murder cases. Of course, during a plea, you don't have to worry about that, because you know-- they're not going to trial.

I think, perhaps, the greater danger to a defendant is, if they are going to be incarcerated. Because in all the jails, everybody watches TV as well. They are certainly-- fair game to a lot of other defendants, who consider them the lowest of the low. A sexual predator. Especially one involving a younger child.

So-- that, I think, is a-- is a true danger. Sometimes you require protective custody-- of the defendant, who's been convicted of a sex case. Especially a young one, such as Jesse Friedman.

QUESTION:

Why do you think that Arnold pled guilty?

ABBEY BOKLAN:

It certainly wasn't because of the mercy of the sentence. Ten years to 30 years is a very long

TAPE #111 CR# 47-50

PG. 17

time. He was guilty, in my opinion. He told me he was guilty. And I think, with the amount of the evidence, he was very concerned that, if he were convicted after trial, he would get 50 years. And he would never see the light of day.

As it turned out, since he passed away, he died when he was in prison-- perhaps he should have gambled and gone to trial. Certainly, at trial, I would not have permitted the media to be present. You know, with the young children testifying. That's a whole-- since we're discussing media, that's a whole different story from a plea, a sentence, an arraignment.

QUESTION:

What is that like? Have you-- have you been involved in a case where you had to have kids testifying in open court like that?

ABBIEY BOKLAN:

Yes, I've been a prosecutor on those cases as well. Involving very young children.

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PG. 18

QUESTION:

And what's that like? How is that different from a regular case? What are the challenges of-- of dealing with a case like that?

ABBEY BOKLAN:

Tremendous challenges. First of all, you don't know until that child is in the witness box, whether they're gonna talk. I remember I used to take some of the very young children down to the courtroom, and we'd actually play there. You know, I'd put them in the witness box, I'd pretend to ask them questions.

I let them sit in the judge's chair. I let them-- sit all over the courtroom, so they became a little more comfortable. But when they got into that witness box, and they faced the person who abused them-- you can never really be sure that they're going to not refuse-- refuse to talk.

And then of course they have to go through cross-examination as well. It's a horrendous

TAPE #111 CR# 47-50

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experience for a young child. Absolutely horrendous. I used to say to some of them, "Don't worry, you don't have to look at him or her. You can j-- look at me. Always look at me."

It-- it was a very tough case. I found being head of the sex crimes unit of the district attorney's office much more difficult. And trying those cases, far more difficult than trying murder cases. As a judge, I'd much prefer to try a murder case than any kind of sex abuse case involving a young child.

QUESTION:

Just because of the discomfort of-- of putting a child through that, and things like that? Or also just 'cause of the volatility of the case?

ABBEY BOKLAN:

Both. But my main concern is the child. It-- it's a horrendous experience to put a child through. I had one case that was tried here where a young girl testi-- (UNINTEL) fied against

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her father. Actually he was acquitted.

You wonder what kind of lingering-- problems that young girl is going to have. It's bad enough to have to stay-- say your-- tell your story. But can you imagine if you're not believed? How you have to live with that? And in this case-- some of the acts that went on in that classroom were so obscene, and so horrendous, that-- if it were on a TV program, you would say, "People are exaggerating. We don't-- we don't believe it." So I could imagine what w-- would have gone on, if we had an actual trial in this case.

QUESTION:

There are, I mean, obviously, you know, Arnold writes you and says, you know, "None of this happened." And he writes his open letter and all that stuff. Obviously there were some people in the Friedman camp who said, you know, "It's so extreme." You know, "Maybe Arnold Friedman did something, but banging the kid's head against the wall, and all these repeated sodomies, and all

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this public activity with multiple adults in the room. It's implausible." And what was your sense of that? 'Cause you were sitting through the guilty plea, and all that kind of stuff.

ABBEY BOKLAN:

There was never a doubt in my mind as to their guilt. First of all, I knew that all the children had been interviewed separately. The stories were extremely consistent. I had the opportunity to read the grand jury minutes, where these young children testified, as well as the young co-defendant who we've previously discussed, who was testifying-- against them.

The stories were consistent with each other. And consistent with the evidence that was found in the federal search warrant. When the children talked about certain videos they had seen, certain pornographic literature that they had been shown-- and you know, I had all those years of experience as an assistant district attorney, and in the sex crimes unit, when I dealt with

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young children. And it just rang true.

Then, of course, I have a defendant standing out there, and answering, "Yes, yes, yes. Yes, I did all of those charges." Maybe there is a temptation to plead guilty to a minor charge with a very light sentence, even if you're not guilty, because you're so afraid of exposure. But when you're talking about a sentence, and Arnold's sentence, as I said, was 10 to 30 years, where you could spend 30 years in jail. And you're admitting to a tremendous number of horrendous acts.

I don't think someone's going to just do that-- very lightly, unl-- unless they're guilty. Also-- Arnold was a very educated man. This was not some young person who was being intimidated, who didn't know what he was doing, who didn't understand what he was facing. So, as I said, I-- I was very comfortable with accepting the pleas that they were guilty. And I was very

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comfortable with sentencing them to long periods of incarceration.

QUESTION:

When you were-- we talked about what a-- your impression of Arnold and Jesse a little bit, although they didn't do as much talking. Did you have any impression of other family members? I know that they-- sometimes they would come to court. David came to court, or, you know-- Elaine (PH) came to court.

And I know there were a couple of altercations between them, and some of the-- you know, even some of the parents in the courtroom. What was their beha-- what was the family's behavior like? Given this kind of experience that they were undergoing?

ABBIEY BOKLAN:

I have no recollection of what the other members of the family, and there were never any altercations in the courtroom when I was in there. So, that-- everyone sat very quietly.

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Because I told them in the very beginning, any interruptions, any-- disturbances, you're out of here. So I remember very q-- you know, quiet-- well-behaved group, on both sides.

There was a tremendous undercurrent of rage and horror on the part of the victims' families, but I don't remember misbehavior. I mean, we're talking about a lot of years ago. But I think I would have recalled if there was in the courtr-- anything in the courtroom.

QUESTION:

Now, I think that the-- the parents of the victims in this case came to court very frequently. At pretty much any time there was something that was-- gonna be discussed in the courtroom, where they were permitted, they would show up. Where-- they weren't absentee.

Do you have any recollection of what kinds of people they were? Or what-- or the-- were they very passionate about being there? And-- it

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seemed like there was a real support network that developed.

ABBEY BOKLAN:

Yes, I re-- I remember a lot of the families. A lot of them sent me private letters. Which is completely appropriate, prior to sentencing, to-- let a judge know the feeling of the victims, and of the victims' families. I remember they were well-behaved. They were very well-dressed.

And there was a lot of pain. The-- you-- you could see it as they sat there. I mean, these were young, innocent children. You're talking about very young children here who-- who were involved.

(OFF-MIKE CONVERSATION)

(BREAK IN TAPE)

(OFF-MIKE CONVERSATION)

QUESTION:

It is a small community. I'm-- I'm-- I was interested when I found out-- I guess, you've-- you've known-- well, everybody's known everybody

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in this community. But you've known Joe Amarato (PH), and Peter Pennero (PH), and Fran-- how-- tell me a little about that--

(OFF-MIKE CONVERSATION)

ABBEY BOKLAN:

Tell you a little about-- I'm sorry--

QUESTION:

Just about the relationships between the people. Because this is-- in this little four-block radius, there's a lot of drama that goes on here. A lot of people that have to rely on each other-- what were those relationships like?

Because everybody was a lot younger together. And then developed, and obviously they all see you as like-- you made good at the highest level. And they are all sort of, you know, in their own fields-- you know, developing and-- and becoming more successful, and--

ABBEY BOKLAN:

Well, I was older than they were too. Because remember, I had stopped for 11 years, you know,

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to raise my family. But-- in this community, an awful lot of the assistant district attorneys go out into private practice, become defense attorneys. So that everybody, at least who works here in Nassau County, kind of knows each other.

It doesn't affect the cases. They'll fight as hard as they can. Fact, when I was-- first a judge, one of the-- legal aid attorneys, by the name of Scott Banks, was assigned to my part for legal aid in defense. He later became one of my law secretaries. So they come from both sides.

And you know, we're-- professionals doing a job. And I-- I don't think that the fact that you know each other from before-- impacts at all on what happens with a case. I really don't--

QUESTION:

Well, it seems like that's true. Because you-- obviously, you were on-- you know, you had Peter Pennero-- you know, passionately trying to definite Jesse. And then you were also-- you

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know, you obviously had-- a p-- prior relationship with Peter, and you knew him from work, or whenever.

But tell me a little bit about-- I'm-- I think it's interesting to sh-- that aspect of it is that everybody did kind of grow up together in the system. And maybe you could comment on those people who were all so involved in the case. Or just what your recollections were.

ABBAY BOKLAN:

In what respect--

QUESTION:

(UNINTEL) Amarato, or Pennero, or kind of how they all-- because even Fran Galosso (PH) ended up becoming head of the sex crimes division in the police department. And it seems like you-- you know, you've all had some kind of-- you know, in a way, common purpose. That, you know, you were on different sides of the equation. But you all knew each other. (UNINTEL)--

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ABBIEY BOKLAN:

I don't think it-- I don't think it really impacted at all, except that perhaps the fact that we knew each other, trusted each other, and knew that we would have further dealings. You can usua-- you can depend upon the word-- of someone you're dealing with like that. You-- you can trust them to act as a professional.

And I think that's what's good about so many of the attorneys knowing each other. And knowing that, after this case, there'll be another one, and another one, and another one. So, you don't play games with each other.

QUESTION:

The-- if we go back to Jesse's-- well, we know that Arnold-- we talked about why Arnold pled guilty. And-- I guess I'm curious about-- what do you-- what was Jesse's situation at that moment? Now, Arnold's pled guilty. His father's pled guilty.

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ABBEY BOKLAN:

He says he-- at that point, he was saying he's innocent, and he wanted to go to trial. Joe Amarato then indicted for more counts. Because they had only indicted on some of the charges against some of the children. He then brought-0-further indictments, involving a lot more children.

So that really you (LAUGHTER) can add up a lot of consecutive sentences. And of course, the evidence becomes greater, the more people you have willing to testify-- as to what occurred. And that's when I think, if I recall correctly, and it's-- it's a lot of years ago. But the-- the co-defendant, the young one, I think-- when-- Jesse Friedman and his attorneys found out that the-- the-- the young man had agreed to testify against him, I think at that point, is when he started to very seriously think about pleading guilty.

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QUESTION:

Did you ever have a thought in your mind that, while there are different gradations of this, did you ever have a thought as you were learning more about the case, maybe Arnold did it and maybe Jesse didn't participate? Is it possible-- did you ever think, at any stage, that Jesse might not have done it, because he was a whole different person at 17 years old, or something, when it took place. Arnold, you can imagine, he was already a pedophile when he was 56. But making-- it seems like, at a certain point, maybe it wasn't as clear that Jesse was involved.

ABBIE BOKLAN:

I don't think so. Because, you know, when I was reading my grand jury minutes, or learning the story, the two of them were working as a team with certain friends of Jesse. So it was never that Arnold was alone doing things and Jesse wasn't there.

And of course, once he pled guilty, he not only

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pled guilty and told me that he had done it. But during the course of his conversations with the probation department, you know, I get a probation report-- prior to sentencing. He made tremendous amounts of admissions to them-- and tried to justify and explain why he was a participant.

Also, his own attorneys submitted to me, after plea and prior to sentence, a pre-sentence memorandum, asking for mercy, not on the grounds he didn't do it, but on the basis of the tremendous abuse that he himself had suffered at the hands of his father. And that he wouldn't have turned out the way he did if not what happened to him when he was young.

So-- very quickly, it became not an issue of whodunit, but what was the appropriate punishment for what had occurred and happened at that point.

QUESTION:

Do you have the-- I have-- just so you know, I happen to have it as well, Peter Pennero's pre-

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sentence memorandum.

ABBEY BOKLAN:

Yes.

QUESTION:

But I'd be curious if you had it-- pa-- hu-- each document that I have, I need to bring into the film in some way, and I think that's a valuable document. If you have it, maybe you could read us a line or two from it, so you know, it makes the connection.

ABBEY BOKLAN:

You do have it? It was given to you by Peter?

QUESTION:

It was given to me (UNINTEL)--

ABBEY BOKLAN:

Oh, okay. Unde-- under that condition. Let me just-- (PAPERS)

QUESTION:

(UNINTEL) included all of those (UNINTEL) that you had (UNINTEL) so many psychiatrists, and he-- (UNINTEL) five different psychiatrists. A number of whom he quotes in that. You know, talking

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about Jesse's-- being abused, and (UNINTEL) personality (UNINTEL).

ABBEY BOKLAN:

Well, it's interesting, because I've always highlighted, you know, I have a little yellow highlighter where everything that's sent to me, and I read these and my old highlights back from those days. And one of the things that, of course, I was told, was about the constant abuse on both a sexual and psychological level by his father. And it-- causing Jesse to have suicidal thoughts.

And then he puts, of course, "severe and frequent sexual abuse (SIC), including sodomy by the defendant's own father." (PAPERS) There's a whole section on the drug abuse. Where Jesse describes a life where he was stoned on a daily basis, at ages 16 and 17-- I said-- you know, it-- it goes on. But-- but-- but that really is the bottom line.

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Then there were various psychiatric (NOISE)-- reports that I don't-- I would not feel comfortable quoting from, even though, as you indicated, he had turned them over to you-- involving what he told the psychiatrists, et cetera. But-- but the most important thing is, obviously, he was very, very disturbed. Very disturbed individual.

I-- I-- here he-- he loves his father. There's-- there was no doubt about it. And what he thought of-- as affection from his father, m-- most of us consider devious and disgusting acts.

So I-- I think we had-- a young man who was extremely, extremely confused. I don't know-- you have no-- the sentencing minutes-- as well-- of some of the things that I said during the course of the sentencing-- I'm not much on speeches. But there were a lot of things that I said during the course of it-- explaining both the-- the-- the terrible sadness that I felt, of

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what he had gone through.

But at the same time, s-- saying that I thought he was such a menace to society, because of what he had been turned into by his father-- that I felt the parole board should keep him for as long as they could. Because there's some times when you weigh-- different reasons-- for why someone should go to jail, one of the things that you really have to consider, as well as the why of the defendant did it, is to, what kind of danger he was-- be to society? And on that point, at least-- I felt that he was a menace. Even though he was very young.

QUESTION:

Yeah. Fran Galoss-- (TAPE SKIPS) who was the guy started out on his subject on, followed by Jesse today, because Jesse's in prison today. You know, and he's still alive, and (UNINTEL)--

ABBIEY BOKLAN:

Is he going to talk too? Is he willing?

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QUESTION:

I-- I think-- you know, he's very nervous about-- being paroled. And he is-- I think, like anybody, he's hopeful that he can tell his side of things. But I think he's very reticent about doing that-- before he gets to see how he's treated the next round, or-- because, you know, he's been in now-- you know, he's-- he's been up for parole a number of times, and obviously hasn't been-- hasn't been paroled.

ABBEY BOKLAN:

Doesn't he max out quite soon?

QUESTION:

He doesn't max out for five more years.

ABBEY BOKLAN:

Oh really.

QUESTION:

So he's-- but his CR date would have been last year. Around the time they brought him up to see you.

ABBEY BOKLAN:

Right. And that was a mistake. They shouldn't

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have brought him down then.

QUESTION:

Yeah. I was going to say, you know, Fran's said-

-

ABBEY BOKLAN:

Are we back on film again now?

QUESTION:

Yeah. Yeah--

ABBEY BOKLAN:

Okay.

(OFF-MIKE CONVERSATION)

QUESTION:

Fran said to me at one point that she feels that he-- knowing what she knows about Jesse, she feels strongly that if he's let out of prison, that he will-- commit some other bad act. And obviously, you felt that at the time, which is why--

ABBEY BOKLAN:

Well, at the time of sentence. Of course I-- had not had the opportunity, really, to-- to see how he's managed up at prison. Whether he's been

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remorseful. Whether he's turned his life around.

Because, you know, I have to make a determination now, when he does get out, under Megan's Law (PH), of how dangerous he is. So I-- I don't know what's happened in the interim. And I still have an open mind on that. At the point I sentenced him, I felt strongly enough that he was a danger to society that I included in my sentence a recommendation that the parole board not release him early.

QUESTION:

And-- I-- I don't want to press that issue, 'cause I know he's going to see you, so--

ABBEY BOKLAN:

Right.

QUESTION:

(UNINTEL) talk about that. The-- there was, at one point in the case-- a request for a change of venue. And-- obviously the lawyer said, "Well, we can't get a fair trial." I guess they always do that. What was your reaction to that, and--

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and-- by the way, also, they can't hear me usually, so you-- so if I ask you about change of venue, you might say, "Oh, at one point they asked for a change of venue." Just so that we complete the thought.

(OFF-MIKE CONVERSATION)

ABBEY BOKLAN:

All right. I felt, in most cases that are high publicity, if you voir dire the jury very carefully, you-- you can find a jury that has no bias, no prejudice, (LAUGHTER) is not even familiar with the case. And I felt that's the way it could be handled. I mean, we've had many high publicity-- cases that were tried here.

Of course, this came after the Friedmans. But just for an example, you have like the Ferguson case, which didn't require change of venue. There are enough jurors in our-- our pool in Nassau County who can sit fairly impartially. And you can handle that.

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If, during the course of voir dire, you find that you cannot find a-- an unbiased, unprejudiced jury that haven't been tainted, well then you can always move it out. But thi-- this-- there was no reason to move it out of county. At that point.

QUESTION:

Right. So now, Jesse comes around to-- to-- it's time for Jesse's plea, or let's say, now we know that Arnold's pled, then the other young man has also pled. Or effectively, made a deal. So now, the two people in the world other than Jesse who were ostensibly involved, have both pointed the finger at Jesse in one way or another.

How do you think that affected Jesse's desire to-- you know, s-- to go to trial, or whatever? How does that process-- how did that process go? 'Cause it seems like he had a big pretty big change of-- of heart.

ABBEY BOKLAN:

He also changed attorneys in midstream. I don't

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remember exactly at what point the attorneys changed. But I'm sure the defense attorney-- sat him down, and said, "Look. You have so much against you, and your exposure-- of sentence is up to 50 years, that it would be very wise to take, you know, a deal-- as opposed to going to trial.

"You're still a young man, that you'll-- you'll get out of jail when you're still a young man, while you-- otherwise you could spend the rest of your life sitting behind bars." Of course, I wasn't privy to those conversations. But that would be realistically what I would think would have occurred.

QUESTION:

And-- so let's-- however that played out, then eventually-- Jesse comes before you again. And this time, I guess, he's there to plead.

ABBIEY BOKLAN:

Right, yes. Then he pleads.

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QUESTION:

So tell me about that. Your recollection of that.

ABBEY BOKLAN:

Very similar to Arnold's. Also media was there. The families were there. I tried to make the allocutions (PH) as painless as possible. Almost in an antithetic type way, you know, "On such-and-such date in Nassau County, did you put your penis on-- on so-and-so's anus?" And he would say, "Yes." Or whatever the charge, the sodomy charges that he was-- pleading guilty to.

And-- it went very smoothly. Very quietly. Very smoothly. Pleas, in some ways, are-- easier to do than the sentences. The sentences are where the emotions come out. The attorneys are pleading on behalf of their clients. The district attorney may-- make a statement. The defendant may be pleading for mercy. The-- so, that's c-- in-- in some ways, far more emotional than the actual plea.

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QUESTION:

And then eventually, Jesse does come before you for sentencing.

ABBEY BOKLAN:

Right.

QUESTION:

So tell me about that, at the next-- am I right, that's the next-- that was sort of the next move--

-

ABBEY BOKLAN:

It really was, once they plead, it-- and it moves to sentence. You know, the probation department had the opportunity to report first-- which-- I get-- prior to the day of sentence--

* * *END OF TRANSCRIPT* * *

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HIT THE GROUND RUNNING FILMS

"CAPTURING THE FRIEDMANS"

INTERVIEW WITH ABBEY BOKLAN

CORRESPONDENT: NOT IDENTIFIED

PRODUCER: NOT IDENTIFIED

TAPE #112 CR #51-54

TRANSCRIBER'S NOTE: QUESTIONER OFF MIC. BEST EFFORT FOLLOWS.

(OFF-MIC CONVERSATION)

QUESTION:

We were talking-- oh, we were talking about other cases. Well, obviously since that time, we knew-- we know that there-- there were a lot of other cases where, you know, in the end the argument was that the police were overzealous. That, you know, the reason that the stories were similar between the kids is because the police were teaching the kids what to say.

And so of course they're similar. They all came from a similar source. What was the thing that made you know that this case was different. And when you saw those cases come out, you know, you

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obviously had second thoughts about this case. You must have had a sense of confidence that this was case was handled differently. And how did you know that?

ABBEY BOKLAN:

Well, first of all the case only came to attention of the police department because of the search that was done-- by the federal government-- where they found all of things going on on the computer and the Internet. And they went in and they got all of this pornographic material.

(OFF-MIC CONVERSATION)

ABBEY BOKLAN:

So knew this wasn't some question of some hysterical mother who came in and started a mass hysteria. And only after the federal government called it to the attention of the Nassau county authorities and they started investigating and started to go independently to these various homes and speaking to the children separately did they discover what was going on.

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So I don't think these young children even had a chance to get together and make up stories. I think-- I don't think the police knew what they were looking for when they started investigating. So I didn't think there was any issue of brain-washing.

And as I mentioned previously, we had children showing tremendous signs of abuse. Independent signs. The nightmares. The falling school work. All of those things corroborated what the children were saying.

And-- and things that parents couldn't explain. Even things that couldn't be explained as far as Jessie with the suicide attempts. With the drug use. All of that came before these charges. There was something festering in that household long before the federal authorities ever went in.

We-- you also are dealing with an age group of children-- although they're young, they don't

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fantasize as much. And it's very embarrassing and very-- this is from my own experience in the sex crimes unit. Very embarrassing for a young boy to talk about just-- these type of sex acts. (ROARING) It's not something that-- that they're proud of.

So I think the-- it was my understanding that the detectives had a very tough time even getting the information out of these young children. And the parents had a very tough time believing that these things initially were-- occurred, because Arnold Friedman had this wonderful reputation.

This was after school, extracurricular work for children who were bright, intelligent. Wanted to learn. Wanted to be involved with computers. I mean parents were paying large amounts of money, you know, from something like this. I never had a doubt. Never had a doubt.

QUESTION:

The-- obviously the person on the other side of

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the equation who was doing most of the-- of the digging and talking with kids and stuff was Fran Galaso (PH). What was your relationship with Fran? How did you guys know each other from before? What your--

ABBIEY BOKLAN:

Fran's husband was an assistant District Attorney-- in the-- District Attorney's office-- I think even before I was there. So I knew him. When I was head of the sex crimes unit, I don't think Fran Galaso was the one who was in the sex crimes unit of the police department.

When I first got this case, I didn't even know Fran Galaso was involved. And when I started learning about it and starting to read a lot of the grand jury minutes. So I think the fact that I knew her, her family, had very little-- to do with it all. (ROARING) In fact when the case was finished, I-- if I recall correctly, that's when I first learned how deeply involved-- she was in the case.

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QUESTION:

But you-- you guys had (UNINTEL)-- I don't even know what the protocol is. But in general--

(OFF-MIC CONVERSATION)

QUESTION:

The protocol would be during the course of the case. You wouldn't discuss it with--

(OVERTALK)

ABBIEY BOKLAN:

No communication with-- with any detectives or police. Remember if we have to go through hearings, for example, there's gonna be a real trial. You have to go through hearings.

And very often, the police officers become witnesses. So a judge has no communication at all with the police officers during the course of it. That's why I think-- and at least until time of sentence or maybe immediately before sentence-- I really wasn't even-- aware of her-- how-- how involved she was in the case. But it wouldn't have mattered. You know I know a lot of police

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officers who are on cases that I'm handling all of the time.

QUESTION:

Did-- when you went into the sex crimes unit to begin with, what possessed you to take that job at that moment, 'cause that was probably pretty unusual. I-- maybe I'm wrong. Maybe it was a-- typically a job that would be held by a woman. But for some reason, I thought it was a job that would probably traditionally have been held by a man.

ABBEY BOKLAN:

In this county, if I recall, we had no sex crimes unit until Dennis Dylan asked me almost to create one. And I s-- I-- I really-- I think s-- actually started-- the unit. One of the first things I discovered becoming the head of it, we didn't even have a rape collection kit.

Every hospital was going off and doing their own thing. We were losing evidence. It-- it was-- it was really horrendous.

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So I don't think we had-- either men or women who were the head of the sex crimes unit-- at that point. But my recollection could possibly be faulty with that. But that-- that's what I remember. I know Joe Annoranno (PH) came in long after. You know I was-- already out of the office into the sex crimes unit.

QUESTION:

I wonder whether that's 'cause there were just more sex crimes? It's sort of sad, but true. But maybe it is. Maybe it just became a much more significant part of the makeup of the crimes?

ABBEY BOKLAN:

And also I think-- at least for Mr. Dylan, he was-- he was concerned about how many sex crimes cases we would lose. And some of the reasons we would lose them is that we-- we didn't collect the evidence properly. So there were a lot of things going on.

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I mean to have children, very young children, testify in a grand jury when they can't describe even the genitalia or don't know how, that was the start of the-- of the dolls that I had sent for. So there really-- there-- there was little foundation. It was every DA did their own thing.

They got the case. They ran with it. There was no co-- coordination as-- as I recall until I-- I became at-- you know that's a lot of years ago we're talking about. 'Cause I left the DA's office in '82? '82.

QUESTION:

And tell me about that, 'cause that's fascinating. I was reading-- the Justice Department has a publication about interrogating children or, you know, questioning children and how to do it. At the time, I don't think even that had come out yet, 'cause this was pretty early. How did you know that there were such things as these anatomically correct dolls? And tell me about that-- that process of

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interrogating children?

ABBEY BOKLAN:

I read about them. And I asked-- you know the-- the District Attorney, Dennis Dylan, could I-- we have the money to send for them.

(OFF-MIC CONVERSATION)

ABBEY BOKLAN:

The money to send for the-- the dolls, the sex crimes dolls-- because I found when I would talk to children how difficult it was for them to describe what had happened to them. And if you start drawing pictures for them, what you're doing is perhaps giving them an idea they didn't have before.

But if you hand them-- Raggedy Ann and Raggedy-- Andy with-- with genitalia and you say, "Show me. Show me." And with the doll, they can show you. Especially since-- we're talking about very young children now. You don't use these dolls with the 12-year-old or a 10-year-old.

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We're using ones that are really not articulate. Don't know the right words. And they-- they can show-- I remember the first time I used them before we went into grand jury were-- I-- I said, "Show me what he did." And she took the male doll and stuck it on top to fight female doll and was rubbing it (SQUEAKING) you know up and down. And this is the way she could finally explain, you know, what had happened and what had been done to her.

Since that time, I think there's been certain literature about not using the dolls. Where-- but you know the more we learn, the-- the more careful we can be about not tainting these children. You know every day things get a little easier to do these case. And they most-- they are the most horrendous cases of all. They really are.

QUESTION:

Well, you have to be intelligent about it, particularly sensitive to it, because it's tough.

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You know you sent out a 45-year-old detective to go sit with a 12-year-old or a 10-year-old or a nine-year-old. You know it's-- there's no communication there unless they're someone who's really thinking about the process. Do you know what I mean?

ABBEY BOKLAN:

Well, I-- I-- I am not sexist. And I never try to be. But it's-- I think sometimes it may be easier for a female to talk to a female. And I think someone who's been a mother or a father who's raised young children can handle them better. You know how to talk to a child.

So I don't-- I guess it's not sexist, 'cause I'm not really saying a male or a female detective is better. It's their way and their sensitivity of dealing with children.

QUESTION:

When you went into that-- and I-- I'm not trying to ask a very personal question. But did you feel like-- people say sex-- you know sex abuse

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happens in almost every family at some level or that, you know, in a-- one out of three families or something like that. Did you ever have a friend or someone in your life when you were growing up who (PHONE RINGS) expressed something to you and you thought-- you know you had a way of listening or a way of communicating with them about sex crimes that made you well suited for that? Or was it-- when you joined the sex crimes division it was a pretty new deal?

ABBEY BOKLAN:

It was pretty new. (CLUNKING)

QUESTION:

At the-- at the sentencing-- we were-- getting back to the sentencing. We talked about-- you-- you had talked about the fact that sometimes the sentencing is the more emotional time. I-- I think that was the case from what I've understood about this. Tell me what you remember about the sentencing hearing and that experience.

ABBEY BOKLAN:

Are you talking about Arnold, Jessie or both?

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QUESTION:

I don't know. Maybe-- do you remember the Arnold one?

ABBEY BOKLAN:

The Arnold one the-- it wasn't very emotional. I mean they didn't make too many pleas on his behalf. The Jessie one-- Jessie Freidman one was-- was more emotional-- because-- you know defense counsel worked very hard on his behalf.

And not only with pre-sentence memorandums, but pleas, because of his youth, and the fact that he had been so badly abused-- by his own father. And I think there were even allegations of-- of very little love-- from the mother. That he was an unwanted child.

That I should be merciful. So I remember that. And I-- said-- I-- I remember some of the things that-- that I said, but-- it's funny. I don't remember whether Jessie said anything at all.

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QUESTION:

I-- I remember that he-- I-- I actually saw some of the news coverage of this. Peter Pinero (PH) makes a-- pretty-- elaborate argument that Jessie was, you know, a terrible victim of his father.

ABBIEY BOKLAN:

Right.

MALE VOICE:

That he-- what he needs is help or counseling. It's the-- prison term or whatever. And then Jessie cries and says, you know, "I experienced all of this. My father was-- and these children were victims and I feel terrible about that. But I was a victim too."

And so he kind of cries and goes through that. Do you remember being moved by Jessie's-- by-- by that story generally, which obviously that was their position. That-- you know do you remember believing it, first of all? Did you feel that Jessie was (UNINTEL)?

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ABBIEY BOKLAN:

Are you asking did I believe that he was--
terribly abused as a child? Yes. There was no
doubt in my mind that Arnold Friedman had started
abusing Jessie very young. And trained him,
almost, in this type of-- pedophilic behavior.

I think once Jessie became older, he became less
desirable as a sexual object for his father. And
once that happened, I-- I think Jessie didn't
feel he was getting the same amount of love from
his father that he was getting, so he became a
partner and a-- as a partner participant, he
probably could feel the oneness with his father--
again.

So in a certain extent-- since I completely
believed that, I had to be moved by the fact that
he himself had gone through exper-- a tremendous-
- trauma as a child growing up. I knew from the
papers that were given to me that he had gone
through depressions. He had-- suicidal desires

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at certain times. And that he had gotten himself involved in drug use. So that all made sense.

But on the other hand, at some point he turned from a victim to a predator himself. And reading the grand jury minutes and everything else I learned, he was extremely violent himself to the children. Not-- not just sexually.

He seemed to enjoy what he was doing. And remember, he brought his own friends in. Including the co-defendant who later turned and participated against him. So from a-- a reluctant participant, he went to an extremely active participant who was enjoying it.

You know if you look at people out there who commit horrendous crimes, you say, "Well, maybe they had a-- a terrible childhood." And many of them have. But that doesn't excuse the behavior down the road. And also-- if someone you feel is going to be a danger-- to other children, if he's

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let loose, that's something that you have to consider.

So in-- in weighing the sentence so low, I felt badly for what had been done to him. At this point, I think I was most interested in protecting society from having other children go through what he put those children through in that computer school in Great Neck.

QUESTION:

They were obviously asking for some kind of mercy, vis a vi-- well, they knew they were getting six to 18 years. What would that-- and that-- and then obviously you felt strongly enough about it that you wanted to ensure that he was in for a good part of that time.

ABBAY BOKLAN:

Right.

QUESTION:

And so tell me the thinking process of-- when-- when you-- you know you said-- you're sort of-- you generally don't talk a lot in court. You lay

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down the law or whatever. But why was it different this time and what did you say that--

ABBEY BOKLAN:

It was different because I felt like I was-- I was talking to different people. I was talking to the general public. We had the media in there. And that's part of having-- a reason for having the media in there is to educate the general public.

I was talking to the victims. And it-- not the children. The-- who weren't in the courtroom. But-- but the family members. I know a lot of them were dissatisfied with this sentence for Jessie. They thought it was too merciful. That I should have-- un-- unlike Arnold's sentence. They thought I what being too light for Jessie.

And I-- I was talking to Jessie too, because, you know, a part of me was hoping that when he does get out, he still will be young enough to have a life. And if he gets appropriate therapy or when

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he's upstate or whatever, that he can have a decent life and not hurt anyone else. And maybe in a way I was explained to myself too why I was sentencing what I felt was a harsh sentence to someone who was so young. And why I was giving a harsh sentence to someone who was so young. So I did talk.

Now what-- what did I say? Well, it was kind of long. (RUSTLING) I'm not gonna go through very much of it. I talked of course about the probation report. That-- the letters that I received-- from the families. The letters I'd received on his behalf-- from the-- Great Neck community, because they weren't all bad letters. There were people who-- who liked the family. Felt badly for him.

There were psychologists and psychiatrists that wrote me on behalf of Jessie. Talking about him being more of a victim than a criminal. And I had the excellent-- pre-sentence memorandum

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prepared by Mr. Prinero (PH). And I said-- this is a quote. "According to the--" it's a quote from my notes, so I-- you know I-- sometimes I change things as I go along when I'm in-- in there.

But as best as I can tell you, this is what I said. "According to the pre-sentence probation support, you were raised as an unwanted child in a home devoid of love. Your father started fondling you sexually at about the age of nine while reading you bedtime stories." "As you grew and reached puberty, his abuse of you escalated to regular acts of sodomy. You submitted, according to your own words, because it was 'it was important for me to have the love and support of my father and to please him. My father was my only friend.'"

And then I quoted from one of the psychiatric reports. "Jessie's homosexual submission to his father was clearly due to his desperate need for

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love from a parent. (RUSTLING) His mother's emotional withdrawal and his father's psychopathology. His happiness at his father shifting his passions to other youngsters strongly suggests that such an orientation was not an actual one for Jessie and one that he should have been able to overcome."

"His participation in his father's seduction of these other youngsters falls under a not uncommon psychological defense mechanism known as identification with the aggressor. To subconsciously, and therefore unintentionally, model yourself after a parent is one way of repressing any of the anger you might feel towards that person for what he or she has done to you." Of course that's the quote from the psychiatrist.

And then I go back to my own words. "Torn between love and hate, you suffered from depression. And at one time were suicidal and unable to function

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in a regular school." And I said, "It's very unfortunate that not the psych-- that none of the therapists you were sent to realized the reason for your depression. Perhaps if they had, your life today would have been far different."

"In addition, however, to looking you-- at you as a person, considering your motivations (SIC), the reasons you have become what you have and done what you have done, I as a judge have another, equally important obligation. I have to look at the harm to your victims and the severity of your crimes, as well as the danger you may be to society."

"The fact that you too were a victim does not absolve you of responsibility for the sexual assaults you perpetrated, nor for the physical abuse that went beyond anything done by your father." Remember I had mentioned to you-- to you earlier. "Nor for the perverted and horrendous games you invented and forced your

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victims to play. Nor for inviting your friends to join you in these games and assaults. The children you have abused are suffering terribly. They are exhibiting sleeplessness, bedwetting, nightmares, stuttering, hair loss."

(OFF-MIC CONVERSATION)

ABBIEY BOKLAN:

But you see you gotta realiz-- you know these are the things also that to me were tremendous corroboration as to what was occurring. I mean the hair loss. I--

(OFF-MIC CONVERSATION)

ABBIEY BOKLAN:

"The children you have abused are suffering terribly. They are exhibiting sleeplessness, bedwetting, nightmares, stuttering, hair loss, a decline in school work, separation anxiety. And an overwhelming sense of fear. Several children in fact sleep with weapons. Bats and sticks by their beds."

"The extended families of your child victims are

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suffering much, if not more." And then I end,
"After weighing all of these factors and others
as well--"

(BREAK IN TAPE)

ABBEY BOKLAN:

Programs that didn't work well. I mean you're
talking about something that was like 100-- 100--

(REFERENCE TONE)

SLATE:

There's no audio for the end of this shot.

(REFERENCE TONE)

ABBEY BOKLAN:

"The children you have abused are suffering
terribly. They are exhibiting sleeplessness,
bedwetting, nightmares, stuttering, hair loss, a
decline in school work, separation anxiety, and
an overwhelming sense of fear. Several children,
in fact, sleep with weapons. Bats and sticks by
their beds."

"The extended families of your child victims are
suffering as much, if not more." And then I end

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it, "After weighing all of these factors and others as well, I have concluded that you deserve the full 18 year sentence for the crimes that you have already committed. And for the harm that you have already done." And then I go on to recommend to the parole board that they keep you for the actual maximum.

QUESTION:

Ah, which brings us, I think, to-- Jessie today. In I guess I would say a couple of things. Did it surprise you that both Jessie and Arnold wrote these open letters to the Great Neck community saying that they were not guilty and it was a miscarriage of justice. Is that something you see typically or do you-- would you have predicted that? Or do you think that that was--?

ABBIEY BOKLAN:

It was a surprise.

(OFF-MIC CONVERSATION)

ABBIEY BOKLAN:

When I received the letter from-- from Arnold Friedman-- in 1991 denying his guilt, as well as

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the information and-- I'd received that both Jessie and Arnold had written to the media and various families, parents, schools, et cetera, recanting and alleging that they were not guilty, I was very surprised.

When I go through a trial and the defendant is convicted, very often I get letters for years and years later. You know, "I'm an innocent man. I've been railroaded. The police did it. The District Attorney's did it. The judge did it. I didn't do it."

But in a case like this, with a plea to so many counts, with conferencing for so long, with all of the knowledge that the attorneys had, all of the discovery of the evidence the defense attorneys had and of course-- revealed to their clients, I never, ever expected those years later to find them to recant. If anything, it showed to me the lack of remorse and how right I was-- to give an extremely long sentence.

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Because denial is one of the most dangerous things when you let someone out. If they're still in denial, they're not trying to change their ways or remorseful for what they did, they could, you know, be very dangerous.

I never received a letter from Jessie. It was from Arnold that I received the letter. And-- you know I was convinced that if Arnold ever got out-- he was a danger to any young child that he would come in contact with. Jessie was young. I'm still hoping that there's a-- a chance-- that he will turn his life around.

QUESTION:

Somebody like Jessie who-- let's say regardless of what you-- what you find in his story here, he still has a long row to hoe in the future. You know does somebody like that have a hope of having a-- some kind of salvation or having a normal life at the end of this process?

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ABBIEY BOKLAN:

I don't know. The professionals and-- and the literature say a true pedophile, that I think Arnold was, probably will never change their ways. Jessie, there were indications from many of the reports, was not a true pedophile. So all you can do is hope. I can't predict the future.

QUESTION:

Right. Peter Pinero obviously was very passionate about-- re-- I-- I-- about representing Jessie. And in a way-- you know Peter said to me at one point, "I thought Jessie was my son. You know any moment."

It-- so they must have been very close, because obviously they had to-- they shed some tears together. And-- and Peter's an emotional guy to begin with. He's a very soft hearted guy (UNINTEL PHRASE).

What was-- what was your sense of his position vis a vis Jessie? And-- and, you know, had they

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been preparing to go to trial all along and then at a certain point they sort of hit the point of no return. And they knew they were gonna (TRAIN HONKING) have to plead?

ABBEY BOKLAN:

I think it-- at some point-- of course Peter Pinero could answer better as to when he was prepared to plead. I think that at one point he started to weigh all of the evidence that was against Jessie. The tremendous emotional--

(OFF-MIC CONVERSATION)

QUESTION:

So obviously-- you were saying-- you were (UNINTEL) Peter Pinero had--

ABBEY BOKLAN:

Okay. It came to a point. Right.

QUESTION:

Right.

ABBEY BOKLAN:

I think there came a point-- you're asking me when Peter decided to plead. That he started to weigh all of the evidence. There was fairly open

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disclosure in this case-- of-- what they were facing. And he knew about the tremendous-- volatility of the case itself. The emotions that would be in-- that would come out during the course of a trial. And he just felt that-- it-- he couldn't roll the dice that this young boy would spend the rest of his life-- in jail.

I think Peter was very happy. I think everyone was very happy not to try this. It would have been a true horror. A true horror. To have those children come in and testify. And-- and Peter was obligated to cross-examine-- to the best of his ability. Very difficult to cross-examine a child without-- getting the-- the jury very angry. Because they don't like to see a child attacked. So you have to walk a very thin line and have to be very, very careful when you're cross-examining a child.

I think everyone knew-- what they were facing in this case. I don't think anyone wanted this to

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go to trial. Anyone. As far as the professionals.

QUESTION:

Had there-- is there any way to know had it gone to trial what would the possible outcomes have been? Under a couple of scenarios. I mean knowing what you know, it could have gone this way or it could have gone this way?

ABBEY BOKLAN:

You're asking for an educated guess, 'cause that's all it could be.

QUESTION:

Right.

ABBEY BOKLAN:

I have to tell you that when I'm trying to figure out what verdict my jury is gonna come in with, I'm 50 percent right. So (LAUGHTER) you've gotta take what I say with a grain of salt. But I think the evidence would reach a point and when all of the materials that would be brought into the courtroom that were found during the search, I think that-- it-- the evidence would have been

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overwhelming. And I would be very surprised if a jury did not convict. But you never know. You never know. (BEEPING)

QUESTION:

Would it have been fair to bring those materials into the courtroom in-- in a trial just for Jessie?

ABBEY BOKLAN:

Well, the-- these children were shown these programs during the course-- as I recall, during the course of the class and during the course of what was going on. They were showing them--

(INAUDIBLE)

ABBEY BOKLAN:

Right. They were showing them-- some of those computer programs were absolutely horrendous. And some of the-- the magazines they would force these children to see. So they are-- are evidence of what was going on.

In fact, if I recall, some of the-- endangering the welfare of a minor charge in the indictments--